

REMARKS

Claims 1, 4, 5, and 10 – 12 have been amended

Claims 2, 3, 6 – 9, and 13 have been canceled.

The Office action dated April 24, 2007, has been carefully considered. Further examination and reconsideration of the rejection of amended claims 1, 4, 5, and 10 – 12 are respectfully requested.

The rejection of claims 1, 4, 5, and 10 – 12 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,345,256 to Rainwater in view of Belyanskii et al. (RU 2165582 C2) in view of U.S. Patent 2,659,818 to Torrey and further in view of U.S. Patent 4,321,572 to Studer et al. is respectfully traversed.

Claim 1 recites “an antenna horn connected . . . to said shaft, wherein said antenna horn is rotated by said shaft on a central axis of said shaft.” This aspect is not described by Rainwater, which addresses a directional horn antenna mounted on a gimbal which rotates on a pedestal. There is no indication of how the pedestal is powered, and one would be justified in assuming that motor power would be delivered off-axis in keeping with the prior art, as is the case with Belyanski. Consequently, the statement characterizing Rainwater on page 2 of the April 24, 2007, Office action is inaccurate since element 40 shown in Fig. 2 of Rainwater 1) does not represent a motor and 2) fails to teach a hollow shaft capable of rotation. What the April 24th Office action references is the rotatable pedestal of Rainwater which is distinguishable from applicants’ rotatable shaft that applicant’s claim 1 recites.

Belyanski, as discussed in previous response papers, discloses an off-axis orientation.

Torrey discloses a sliding mechanism for positioning an antenna horn in a coordinate plane. It is readily evident that Torrey poses no space saving configuration as it is designed for and takes up the entire space of the interior of the nose of a plane.

Thus, the combination of Rainwater, Belyanski and Torrey fails to make applicant’s claim 1 obvious since the combination fails to teach or suggest a rotatable hollow shaft disposed coaxially with an antenna horn according to applicant’s claim 1.

In addition to the previously pointed out elements missing from Rainwater, it is noted that the cited references provide no basis for combining elements in a manner to yield that which is

recited in claim 1. Moreover, Belyanski teaches off-axis disposal, and Rainwater, sans hollow and rotatable shaft, is silent on any motor arrangement, in fact, no motor is mentioned at all.

The examiner has cited Torrey to show a conductor connected to an antenna horn, however, this not the case. Torrey merely discloses a wave guide connected to a horn antenna with no specific disclosure of a conductor connected to an antenna horn.

In total, the combined references fall short of teaching applicants' invention as claimed. Further, the combination does not make the invention as recited in claims 1- 10 obvious, especially given the lack of evidentiary basis for elements discussed herein. For all of the reasons outlined herein, it is submitted that claim 1 is patentably distinct from the cited art.

Claims 2-10 are dependent from claim 1 and merely recite limitations in addition thereto. These claims are likewise submitted as being patentably distinct from the cited art.

The rejection of claims 1-10 under 35 U.S.C. U.S.C. 103(a) as being unpatentable over U.S. Patent 4,345,256 to Rainwater in view of Belyanski, et al. (RU 2165582 C2) in view of U.S. Patent 2, 659,818 to Torrey and further in view of U.S. Patent 4,321,572 to Studer et al. is respectfully traversed.

It is submitted that Studer adds nothing to the combination of Rainwater, Belyanski and Torrey that would allow any combination of these references to teach, suggest or make obvious the invention as now recited in claim 1. The combination of references as pointed out above, with respect to Rainwater, Belyanski and Torrey fail to teach suggest or make obvious a rotatable hollow shaft disposed coaxially with an antenna horn according to applicant's claim 1. Nothing in Studer would indicate otherwise. Moreover, Studer discloses yet another off-axis orientation. Claims 11-13 are dependent from claim 1 and merely recite limitations in addition thereto. These claims are likewise submitted as being patentably distinct from the cited art of Rainwater, Belyanski, Studer, Torrey or any combination thereof.

In view of the amendment and remarks, this case is submitted as being in a condition for allowance. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Dated: July 24, 2007

By: /Richard Andre Bachand/
Richard A. Bachand
Attorney for Applicant
Registration No. 25,107

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-2779
Telephone: (858) 845-8503
Facsimile: (858) 658-2502